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RUEHBU/AMEMBASSY BUENOS AIRES 5159
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WHA/AND LPETRONI, WHA/FO CSHAPIRO, L/PM THEROLD, I/T DCOOK,
PM/SNA JDETEMPLE, PJANZEN

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TAGS: [KTIA](#) [PGOV](#) [PREL](#) [MARR](#) [MASS](#) [MOPS](#) [BL](#)

SUBJECT: NEW GOB PROPOSAL FOR DIP NOTE EXCHANGE ON MIL
ACTIVITIES

REF: A. LA PAZ 3325 (2006)

[1](#)B. LA PAZ 769

Classified By: Ecopol Counselor Andrew Erickson for reasons 1.4 (a), (b)
) and (d).

[1](#)1. (SBU) This message contains an urgent action request
(paragraph 8).

SUMMARY

[1](#)2. (SBU) As part of Embassy La Paz's continuing efforts to work with the GOB towards a permanent Status of Forces Agreement (SOFA) (see reftels), we have been negotiating with the Bolivian government to renew the exchange of diplomatic notes that has provided protection to U.S. military officials providing humanitarian assistance in Bolivia since 1997. The Embassy has diligently pursued a permanent SOFA agreement, as reported in reftels, but the current political environment rendered securing a permanent SOFA impossible in the short term. After months of negotiations, the GOB transmitted a diplomatic note to the Embassy on March 16. At the suggestion of Minister of Defense Walker San Miguel, Embassy officials met with Ministry of Foreign Affairs officials April 11. The same day, the MFA sent a second diplomatic note to the Embassy which retracted its previous objections and proposed omitting one sentence from paragraph 6 of the agreement. The MFA's Director of Special Affairs Unit said if the GOB proposal is unacceptable, she hoped the USG would make a prompt counterproposal so that negotiations may continue. Because USG policy toward Bolivia is to try to engage the GOB, completing negotiations to provide for U.S. military humanitarian exercises is in U.S. interest. Moreover, if the New Horizons exercise is canceled, Post believes that such a failure will damage the bilateral relationship and will generate significant negative press. End summary.

BACKGROUND AND CURRENT CONTEXT

13. (C) The Embassy has diligently pursued a permanent SOFA agreement, as reported in reftels, but the current political environment rendered securing a permanent SOFA impossible in the short term. Given the political storm that followed the GOB's signing of a military cooperation agreement with Venezuela in May 2006, which became public in October 2006, it became obvious that the GOB would not sign such an agreement with us. While we have made great strides toward an amicable working relationship with the Morales government, many high-level GOB officials harbor intense suspicion about U.S. military activities in Bolivia. Post believes that if the two governments can reach an agreement which will permit the July/August New Horizons exercise to go forward as planned, this year's trust-building exercise will help lay the necessary groundwork for a permanent SOFA agreement next year.

14. (SBU) After months of negotiations, the GOB transmitted diplomatic note VREC-DAE-Cs-128/2007 to the Embassy on March 16, which proposed amending the previous agreement on two points (reftel B). Embassy officials, after consulting with Washington, informally indicated to GOB officials that their suggestions were unacceptable, noting the need for the GOB to reconsider its position. Minister of Defense Walker San Miguel informed the Embassy's milgroup commander that the GOB would review its objections. After progress stalled, San Miguel referred Embassy officials to the Ministry of Foreign Affairs (MFA) for further discussion. To that end, poloff and milgroup commander met with the MFA's Director of Special Affairs Unit Mireya Duran and U.S. desk officer Rimac Zubieta

April 11. Both officials expressed keen interest in reaching an agreement so that U.S. military forces could move forward with planned humanitarian assistance and thanked the Embassy for past assistance. Duran said the GOB would transmit another diplomatic note within 24 hours withdrawing its previous objections and asking that one "duplicative" sentence be omitted from the agreement.

TEXT OF GOB PROPOSAL AND GOB ARGUMENT

15. (SBU) Post received the GOB's diplomatic note VREC-DAE-Cs-185/2007 late April 11. An informal translation follows:

The Ministry of Foreign Affairs and Worship- Special Affairs Unit, cordially salutes the Honorable Embassy of the United States of America and in reference to the note VREC-DAE-Cs-128/2007 dated March 16 of this year, regarding the text of the Agreement Between the Government of the Republic of Bolivia and the Government of the United States of America on the Entry and Activities of U.S. Government Civil and Military Personnel to Implement Projects of Technical, Scientific and Humanitarian Cooperation under the auspices of the U.S. Armed Forces, presents the following counterproposal:

In consideration of the conversations held today with officers of the U.S. diplomatic mission and considering that the text of the second paragraph of point 6 is fully supported by point 3 of the Proposed Agreement, we propose the elimination of that paragraph; therefore the new text of point 6 would read:

"The Government of the Republic of Bolivia and the Government of the United States of America reciprocally shall waive any and all claims against one another for property damages related to the equipment and materials used for development projects in connection with this assistance."

The Ministry of Foreign Affairs and Worship- Special Affairs Unit, reiterates to the Honorable Embassy of the United

States of America the assurance of its highest and most distinguished consideration.

La Paz, April 11, 2007

End informal translation.

¶6. (SBU) In our April 11 meeting, Duran and Zubieta argued that because paragraph/point 3 of the proposed agreement contains administrative and technical protections, paragraph 6's provision -- that "Claims by others arising out of these assistance activities shall be referred to the Government alleged to be responsible for resolution in accordance with the laws of the Government" -- is duplicative and should be omitted. They acknowledged that the same text has been used to provide for U.S. humanitarian activities over the past ten years, but noted that under the Morales administration, "this is a different political time." They said that while congressional approval will not be required for the agreement, the MFA needs to be able to defend the agreement to Congress. With the suggested modification, Duran and Zubieta believe they can do so.

COMMENT AND ACTION REQUEST

¶7. (C) Duran reported that President Morales, FM Choquehuanca, Minister of Defense Walker San Miguel, and Vice Foreign Minister Hugo Fernandez want negotiations to move forward. She said if the GOB proposal is unacceptable, she

hoped the USG would make a prompt counterproposal so that negotiations may continue. In this regard, and recognizing the limited immunity provided by A & T status in paragraph 3, we suggest that one way forward might be a stiffening of paragraph 3 to refer to full diplomatic immunity, which could indeed offer the protections we require.

¶8. (C) URGENT ACTION REQUEST: With the passage of time, the New Horizons exercise currently scheduled for July/August is increasingly jeopardized. Because USG policy toward Bolivia is to try to engage the GOB, completing negotiations to provide for U.S. military humanitarian exercises is in U.S. interest, particularly since the exercises are planned for departments hardest hit by recent Bolivian flooding. If the New Horizons exercise is canceled, Post believes that such a failure will damage the bilateral relationship and will generate significant negative press. Please advise regarding how post should respond to the GOB's overture. END COMMENT AND ACTION REQUEST.
GOLDBERG